

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ADVANCED PHYSICIANS, S.C.	§	
	§	
<i>Plaintiff</i>	§	
	§	
vs.	§	CIVIL ACTION NO.
	§	
CONNECTICUT GENERAL LIFE	§	3:16-CV-2355-G
INSURANCE COMPANY; CIGNA	§	
HEALTH AND LIFE INSURANCE	§	
COMPANY; CIGNA HEALTHCARE	§	
MANAGEMENT, INC.; GREAT-WEST	§	
HEALTHCARE-CIGNA and NFL PLAYER	§	
INSURANCE PLAN	§	
<i>Defendants</i>	§	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Advanced Physicians, S.C. ("Advanced") files this motion for summary judgment.

Advanced is entitled to summary judgment on its claims under 29 U.S.C. § 1132(a)(1)(B) because it is entitled to judgment as a matter of law.

Advanced is entitled to summary judgment on Cigna's affirmative defenses that Advanced failed to exhaust its administrative remedies, that Advanced's claims are barred by estoppel, that Advanced has waived any right to relief, that Advanced lacks standing, that Advanced's claims are barred by limitations, that laches bars Advanced's claims, and that Advanced's case is barred by the statute of frauds.

Advanced is also entitled to summary judgment on the NFL Player Insurance Plan's affirmative defenses that Advanced failed to exhaust its administrative remedies, that Advanced lacks standing, that Advanced is prohibited from recovery because of the ripeness doctrine, that Advanced's claims are barred by waiver or estoppel, that Advanced has unclean hands, that

Advanced is barred from recovery by reason of unjust enrichment, that Advanced's claims are barred by limitations, that latches bars Advanced's claims, and that Advanced failed to mitigate its damages.

Advanced is concurrently filing its brief and appendix in support of this motion.

Dated: September 22, 2020

Respectfully submitted,

/s/ Steven E. Aldous

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served by electronic mail by the Clerk of the Court via the ECF system, as listed below on the 22nd day of September 2020.

/s/ Steven E. Aldous

Steven E. Aldous